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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,359	07/19/2006	Jari Rasanen	0696-0227PUS1	8787
2292 7590 03/19/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NEWAY, BLAINE GIRMA				
ART UNIT 3728		PAPER NUMBER		
NOTIFICATION DATE 03/19/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/563,359

**Applicant(s)**

RASANEN ET AL.

**Examiner**

BLAINE G. NEWAY

**Art Unit**

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This office acknowledges the applicant's amendment filed 7/18/08. Claims 1-17 are pending in the application.

#### ***Claim Objections***

2. Claim1 is objected to because of the following informalities: A minor typographical error is noted. "A encapsulated" should be changed to "An encapsulated". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims1, 4, 7-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) in view of Rebne et al. (US 5,019,125) or Rebne herein.

Regarding claim 1, Tump discloses an encapsulated blister package having a flat outer casing 6 having at least one opening; and an inner part 4 having a base; a disc formed as a blister package fitted rotatably onto the base of the inner part 4; and the base having an outlet opening 24 below the disc so that products 12 brought to the opening by rotating the disc can be released from the disc by pressing a respective blister 11 and removed from the package through opening 24 (See marked up figure 1). Tump further discloses the outer casing 6 (used as a protective member) being a hinged cover attached to the inner part 4 (column 4, lines 26-29) but fails to disclose the inner part 4 being disposed in the outer casing 6 so that the inner part is slidably extractable at least partly from the opening of the outer casing. However, Rebne teaches a medicament dispensing container having a tray either slidably or hingeably extractable from an opening of a cover (figures 6 and 7; and column 4, lines 9-12).

It would have been obvious to one of ordinary skill in the art to substitute a slidable closure as, for example, taught by the Rebne reference for the closure with hinge of the Tump device wherein so doing would amount to mere substitution of one functionally equivalent closing mechanism for another within the same art and the selection of any of these mechanisms would work equally well in the Tump device.

Regarding claim 4, Tump further discloses the disc containing individual products 12 arranged to form an arc of a circle or a ring so that they can be brought to the outlet opening 24 one at a time by rotating the disc (figure 1).

Regarding claim 7, Tump further discloses the base of inner part 4 being provided with a longitudinal outlet opening 24 extending in the direction of the radius of the disc (figure 1).

Regarding claim 8, Tump further discloses the disc and or the base of the inner part 4 containing a ratchet hindrance 28 which allows the disc to rotate to one direction only (Column 4, lines 30-33).

Regarding claim 9, Tump further discloses the disc having a sector which is free of packed products and that in an unopened package the sector is located at or near the outlet opening 24 in the base (See marked up figure 1).

Regarding claim 10, Tump further discloses the disc articulated onto the base of the inner part 4 from its middle section 22 (figure 1).

Regarding claim 11, Tump further discloses the extractable inner part 4 having a base and a projection extending from its side above the disc for keeping the disc in place on the base in an assembled configuration (See marked up figure 1).

Regarding claim 12, Tump further discloses the disc resting freely on the base of inner part 4 so that it can be rotated by fingers (Column 4, lines 61-63).

Regarding claim 13, Tump further discloses the projection being formed as an annular rim encircling the circumference of the disc (See marked up figure 1).

Regarding claim 16, Tump further discloses a tablet dispensing package made of flat sheets or panels or "packaging board" (figure 1).

Regarding claim 17, Tump further discloses the package being used for dispensing solid medicine in the form of pills or tablets i.e. a medicine package containing tablets, capsules or pills (Column 1, lines 1-3).

6. Claims 2, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) and Rebne et al. (US 5,019,125) or Rebne herein as applied to claim 1 above, in view of Kelly (US 4,817,819).

Regarding claim 2, the combination of Tump and Rebne discloses all elements of the claimed invention except for the casing and/or the inner part being provided with a retainer, preventing the inner part from becoming loose from the casing. However, Kelly teaches detents 40 located on a tray member 12 engaging stops 42 of a cover member 11 to prevent the tray member 12 from sliding completely out of the cover member 11 (figure 3 and column 4, lines 12-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the device of the combination of Tump and Rebne, detents and engaging stops, as taught by Kelly, for the predictable result of preventing the inner part from sliding completely out of the casing.

Regarding claim 14, the combination of Tump and Rebne discloses all elements of the claimed invention except for the projection or rim having a tongue extending towards the center of the disc so that the tongue can cover a blister. However, Kelly teaches end walls of a base member having lugs 35 to retain a blister pack (column 4, lines 8-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the base of the device of the combination of Tump and Rebne, lugs, as taught by Kelly, for the predictable result of retaining the blister pack.

Regarding claim 15, the combination of Tump, Rebne and Kelly discloses all elements of the claimed invention except for the tongue or lungs 35 having at least one fin directed down towards the disc that is turning to only one direction so that in cooperation with a blister it allows the disc to rotate to only one direction. Official notice is taken that the tongue or lungs of the combination of Tump, Rebne and Kelly, will inherently have a fin directed down towards the disc so that the blister is retained by the tongue.

7. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) and Rebne et al. (US 5,019,125) or Rebne herein as applied to claim 1 above, in view of Allison et Al (US 2,971,638) or Allison herein .

The combination of Tump and Rebne further discloses the disc consisting of a bottom made of frangible membrane i.e. flexible material such as foil paper (column 4, lines 5-7) which breaks when the product is released by pressing and a blister sheet of flexible (i.e. collapsible) material. Tump fails to disclose that the flexible material of the blister sheet being a flexible plastic. However, Allison teaches a plastic material for a blister sheet (Column 2, lines 24-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have constructed the bottom of the Tump and Rebne device of a

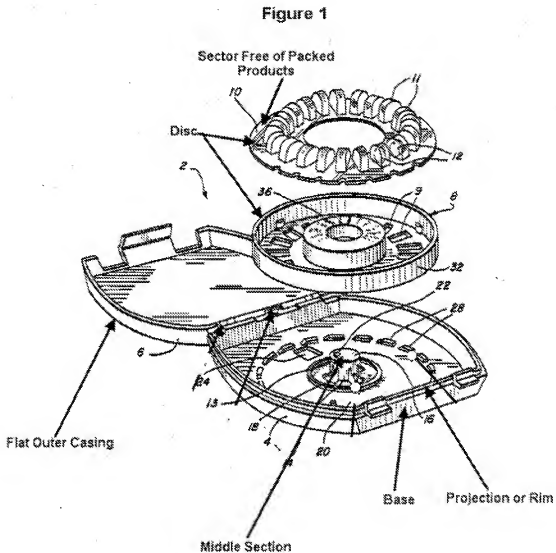
flexible plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tump (US 4,915,256) and Rebne et al. (US 5,019,125) or Rebne herein as applied to claim 1 above, in view of Ruoss et al (US 3,199,489)

The combination of Tump and Rebne discloses all elements of the claimed invention except for the products being arranged as several concentric arcs or rings or a spiral in the disc. However, Ruoss et al. teach products arranged as several concentric arcs or rings or a spiral in the disc (Column 1 lines 15-21).

A person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp, namely, arranging the products as concentric arcs or rings or spirals, since Ruoss et al. clearly disclose a finite number of arrangements of products on a disc.





### ***Response to Arguments***

9. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAINE G. NEWAY whose telephone number is (571)270-5275. The examiner can normally be reached on M-F 7:30 AM- 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JILA M MOHANDESI/  
Primary Examiner, Art Unit 3728

BGN  
3/15/2009